

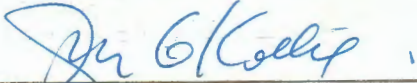


October 30, 2023

VIA ECF

**APPLICATION GRANTED
SO ORDERED**

Honorable John G. Koeltl
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312



John G. Koeltl, U.S.D.J.

10/31/23

Re: *JPMorgan Chase Bank, N.A. v. Avara US Holdings, LLC*, No. 23-cv-7145 (JGK)

Dear Judge Koeltl:

We represent Defendant Avara US Holdings, LLC ("Avara US") in the above-referenced action. We respectfully submit this letter to request the sealing of certain exhibits to the Declaration of Leonard M. Levie, dated October 30, 2023 ("Levie Declaration") that Avara US will file today in connection with its opposition to JPMorgan Chase Bank, N.A.'s ("JPM") motion for partial summary judgment.

Exhibit T was produced by JPM in the Oklahoma Action and designated confidential under the protective order in that matter. That protective order states that Avara US must seek to file any confidential discovery materials produced in the Oklahoma Action under seal prior to filing such materials with the Court. Avara US takes no position as to whether these documents independently meet the standards for sealing in the Second Circuit.

The remaining documents that Avara US seeks to seal are documents that were used as exhibits in a receivership hearing before the Oklahoma court. The Oklahoma court subsequently sealed all exhibits used in the receivership hearing. Avara US therefore seeks to file those exhibits under seal in this action, as well, in an abundance of caution so as not to violate the Oklahoma court's sealing order. Avara US takes no position as to whether these documents independently meet the standards for sealing in the Second Circuit.

Counsel for Avara US has conferred with counsel for JPM regarding the sealing of Exhibits D, E, I, N through R, and T. Counsel for JPM stated: "Consistent with JPM's October 11, 2023 letter (Dkt. No. 42), JPM does not object to Avara US's request to seal these documents, but disagrees that the Oklahoma sealing order forms a basis for sealing any of these documents in the SDNY action."

For the foregoing reasons, Avara US respectfully requests that the Court seal Exhibits D, E, I, N, O, P, Q, R, and T to the Levie Declaration.

Respectfully yours,

/s/ Eric Brenner
Eric Brenner

BOIES SCHILLER FLEXNER LLP